

Serial No. 09/729,768

Docket No. HI-029

Amdt. dated November 12, 2003

Reply to Office Action of August 13, 2003

REMARKS/ARGUMENTS

Favorable consideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-17 are pending in the application.

Priority Claim

A Claim for Convention Priority with an accompanying priority document was filed on December 6, 2000. There is presently no indication that the Patent Office received these papers. Accordingly, Applicant is submitting a certified copy of the priority document, herewith and written acknowledgment of receipt of these papers is respectfully requested.

Claim Objections and 35 U.S.C. §112 Rejections

Claim 2 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter set forth therein. Each of the formalities identified in the Office Action has been addressed in this Amendment, and the Applicant accordingly requests the Examiner to reconsider and withdraw this rejection.

The foregoing claim amendments to address the 35 U.S.C. §112, second paragraph rejections were made to correct formalities such as grammatical errors and to place the present Application in better form for examination. Therefore, the foregoing amendments do not narrow the scope of the pending claims.

35 U.S.C. §102 & 103 Rejections

Claims 1-3 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Ittycheriah et al. (U.S. Patent No. 5,452,397, "Ittycheriah"). Applicant respectfully traverses this rejection for at least the following reasons.

The Office Action alleges that Ittycheriah discloses all the features of Applicant's claimed combinations. However, Applicant respectfully disagrees. For example, regarding claim 1, the Office Action alleges that column 6, lines 1-26 of Ittycheriah teaches "modifying the characteristics of the voice data which succeeded in the voice recognition into the reference voice model which was used in the corresponding voice recognition", as recited in Applicant's claim.

In contrast to the Office Action's allegations, Ittycheriah discloses a system that checks for redundant or similar sounding voice commands and prevents these commands from being entered into the command list. The Ittycheriah reference clearly discloses this in column 5, lines 30-42 as follows (with emphasis added).

Suppose, for example, that on vocabulary list 10 is the phrase "Bob Johnson." In this event, because the probability of a match between "Bob Johnston" said again and "Bob Johnson" is 1.0, whereas the probability is 0.8 for "Bob Johnston," the system may more likely return to the user a match with the phrase "Bob Johnson." At this point, the preferred embodiment will test to see if there is a match between the phrase said a second time and the phrase as first-received (i.e., the phrase with the lower associated probability). In this example, this is not the case. The user, therefore, will be instructed that the phrase being enrolled is too similar to another phrase on the list.

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As clearly indicated above, the characteristics of the reference model of the voice data that succeeded (e.g., the selected command) are not modified. Instead, the selected command is prevented from being listed in the command list. No modification of the characteristics of the voice data based upon successful command recognition is taught or suggested in the Ittycheriah reference. Specifically, column 6, lines 1-26 of Ittycheriah relied upon by the Office Action to teach this feature discloses the following (with emphasis added).

Thus, the preferred embodiment tests the phrase to be enrolled against all other phrases that are presently on the vocabulary list. This is done by artificially lowering the probability that the system will recognize the second spoken phrase as the first spoken phrase. This entire comparison process is performed by the voice recognition system software such as the HG system software used in the Texas Instruments System 1500 voice recognition system.

Although the above description details the preferred embodiment, the present invention also contemplates at least one alternative embodiment. The alternative embodiment includes the steps of executing the recognition algorithm on the enrollment data using all phrase voice models except the one to be newly added to the system. In this situation, the recognizer will typically find the best match among the remaining models. The alternative method then employs a decision rule based on the score of the false match and the score obtained in the correct model to determine whether to accept the new phrase in vocabulary list 10. The alternative embodiment then adds the new phrase if the difference between the false match score and the correct match score is below a predetermined threshold. The voice recognition system will then inform the user that the phrase was or was not acceptable to add.

Once again this portion of the Ittycheriah reference teaches only to exclude a phrase/command that has voice data characteristics too similar to existing phrases/commands. There is no modification of the voice data characteristics, only exclusion of specific phrases/commands. Accordingly, "modifying the characteristics of the voice data..." is not taught or suggested by the Ittycheriah reference as alleged by the Office Action.

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As stated in MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Ittycheriah reference applied in the Office Action neither expressly nor inherently describes every feature of Applicant's claimed combinations as detailed in the foregoing arguments. Therefore, Applicant respectfully submits that the applied reference does not anticipate Applicant's claimed combinations as alleged in the Office Action.

The remaining independent claims (i.e., claims 3 and 6) recite related subject matter to the above-identified independent claim, and are therefore allowable for reasons similar to those given above.

Further, the dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

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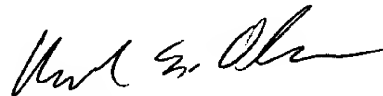
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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Mark E. Olds**, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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